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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,299	08/16/2001	David Whalen	41980.001047	8950

21967 7590 09/23/2005

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EXAMINER

GRAYSAY, TAMARA L

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/682,299

**Applicant(s)**

WHALEN ET AL.

**Examiner**

Tamara L. Graysay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "226" and "228" have both been used to designate the Six Sigma shopping page. See figures 2 and 14; and [0041], [0069].

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

2. The disclosure is objected to because of the following informalities:

At [0047] line 8, "in that in" should be in that it to obviate a typographical/grammatical error.

At [0065] line 1, "best coarse" should be best course to obviate a typographical error.

At [0067] line 6, "user the download" should be user to download to obviate a grammatical error.

Appropriate correction is required.

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3. Regarding [0010]: The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 11-16, 23-28 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over PR Newswire (article, GE information services announces the availability of the GE six sigma quality coach training mentoring system) and PCD Innovations (webpage, Award of merit – 1999 epps design contest).

a. The PR Newswire article mentions that GE announced the availability of its web-based interactive six sigma quality coach (SSQC) training program as of February 24, 1999. The PCD Innovations webpage describes the features of the six sigma quality coach, including receiving a request to view at least one webpage including six sigma content (see the various screen shots depicted in PCD Innovations webpage at pages 2-6); and displaying the at least one webpage to the client computer. The six-sigma related content includes general information (see PCD Innovations at page 2 of 7), and mentoring content for providing mentoring services relating to six sigma (see PCD Innovations, “multimedia mentor to help project teams through quality projects, it can

answer questions, etc. at page 2 of 7; and “reduced project coaching response time per question” at page 7 of 7).

Furthermore, it is well settled that it is not "invention" to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result. *In re Venner*, 120 USPQ 192.

b. Regarding claim 2, PCD Innovations depicts a plurality of options related to different types of general six sigma information (see page 2 of 7). The SSQC method includes receiving a request to view a web page (as depicted at page 2 of 7); and displaying the related web page on the client’s computer (depicted at pages 2-6 of PCD Innovations).

c. Regarding claim 3, the PR Newswire and PCD Innovations combination includes a an overview option at page 2 of 7, a statistics option at page 2 of 7, glossary option (see PCD Innovations, glossary tab at top of page 2 of 7; What is CAP, at page 4 of 7; Glossary mentioned at the bottom of page 5 of 7 and at the left column at page 6 of 7). The combination includes a “happenings” option insofar as the combination refers to “project” at least at page 3 of 7. A project would be a “happening” as broadly recited.

d. Regarding claim 4, the steps of receiving a request to view a mentoring page (met by the click of a cursor on the training tool including question and answers as noted on page 7 of 7); displaying the mentoring services webpage (the combination inherently

displays the items that are selected by the user); the mentoring services webpage including a plurality of options related to mentoring services (the combination includes a plurality of options insofar as the webpage has a plurality of tabs and items to choose from depicted at pages 2-6); receiving a request to view a webpage (inherent in the references insofar as clicking on an item will select the item for viewing by the user); and displaying the web page related to the mentoring services options (see page 2 of 7 for example, where the user can select from mentoring options in the screen under the selected tab, or select another tab (DMADV, TOOLS, CASE STUDIES) or select from a button at the top of the screen (Home, Search, Training, Browse, Tools, Glossary, Profile, etc.)).

e. Regarding claims 11 and 12, the steps of receiving a request to view training services webpage is met by the PR Newswire and PCD Innovations combination insofar as the webpages depicted in PCD Innovations are training pages as broadly recited and the webpages are displayed after receiving a request from a user via a cursor click on a particular training services item (or option thereof) of interest. The process option is noted at page 2 of 7, first paragraph, e.g., what process and what tools to use, when and how to use them; and the certification option is mentioned at page 7 of 7, e.g., black belt, master black belt, green belt.

f. Regarding claims 13-16 and 23-24, the above combination is performed using a computer and thus includes a computer readable medium having instructions to perform

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the method of providing consulting services as evidenced by the save changed button on page 3 of 7.

g. Regarding claims 25-28 and 35-36, the above combination is a system including means for performing the method providing consulting services in a web-based format as evidenced by the webpages depicted in the figures.

5. Claims 5, 17, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over PR Newswire and PCD Innovations as applied to claims 4, 16, and 28 above, and further in view of Sherry (article, Issues in distance learning).

Regarding claim 5, the examiner takes Official notice that online training and distance learning is common and the interaction between a student and instructor may be crucial for a student taking and completing an online course (fore example, mentoring and learner support mentioned in Sherry at page 338, second paragraph). Therefore, it would have been obvious to one of ordinary skill in the distance learning art to modify the PR Newswire and PCD Innovations combination to include schedule session and attend session options (generally known in the distance learning arena as synchronous learning, i.e., online and classroom instruction) as well as management and one on one question and answer options (student instructor online interaction through management see Sherry page 338, second paragraph; high level of interactivity with students at page 343 fourth paragraph and 344 third through sixth paragraphs). Such options are needed to ensure that a student is completing a course and that the

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instructor is available to answer questions that a distance learner may have while taking online training.

Furthermore, it is well settled that it is not "invention" to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result. *In re Venner*, 120 USPQ 192.

Regarding claims 17 and 29, the above rejection applies also to the computer readable medium and system claims.

6. Claims 6-10, 18-22, and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over PR Newswire and PCD Innovations as applied to claims 1, 15, and 25 above, and further in view of Ceretta (US-6370355).

Ceretta teaches receiving a request to establish mentoring session (...ask you coach depicted in Figure 34); displaying a listing of available mentors (Microsoft Technical is shown in Figure 34 and a down arrow directly adjacent implies that there are other coaches that are available); receiving a selection of a available mentor (the user selects one of the coaches in Figure 34); receiving a session request (inherent that selection of a mentor (coach) will make a mentor (coach) available at the time the selection is made; and displaying session confirmation (the session is confirmed with the selection of the mentor (coach)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of PR Newswire and PCD Innovations to include the steps set forth in the above paragraph, in order to permit the user of the six sigma training tool to select a



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mentor that works in the same business area that the user works or if desired someone outside the business area to obtain a different view point about the user's training or project review.

Regarding the session cost based on the time and selected mentor, the examiner takes Official notice that it is well-known in business that persons of differing level of skill and knowledge are billed at different rates. A seasoned professional would cost more than a newly appointed one. Moreover, the examiner takes Official notice that a request received outside normal business hours may cost more than during regular business hours due to overtime policies for an organization. Therefore, it would have been within the level of ordinary skill in the art to modify the combination to include billing information for a mentor session so that the user can decide whether to pay a particular price for a mentor that is more experienced or to have an immediate response rather than wait for regular business hours.

Further regarding claims 8-10, Ceretta discloses the use of email notification from the distance learning system provider for updates and information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of PR Newswire and PCD Innovations to include email notifications, such as suggested by Ceretta, in order to keep the user informed of changes or to provide information. The examiner takes Official notice that the use of pagers and telephone voice mail are obvious variants to email notification and that a user may prefer one over the other and accommodation of the user's preference is within the level of ordinary skill in the electronic notification art.

Regarding claims 18-22 and 30-34, the above rejection applies also to the computer readable medium and system claims.

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*Conclusion*


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Woods (US-6510417) teaches email notification to a user upon a user's request.
- Geary (US-2001/0007977) teaches the use of email notification for appointments and due dates.
- Ruckdashel (US-6038542) teaches notification of previously requested event via email, pager, and telephone.
- Welcome to qualityamerica.com teaches certification requests via a web-based six sigma training program.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (571) 272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Tamara L. Graysay  
Examiner  
Art Unit 3623

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